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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,917	05/22/2001	Michael Jarman	78104.073	8732
25005	7590	11/04/2008		
Intellectual Property Dept. Dewitt Ross & Stevens SC 2 East Mifflin Street Suite 600 Madison, WI 53703-2865			EXAMINER BORISSOV, IGOR N	
			ART UNIT 3628	PAPER NUMBER
			MAIL DATE 11/04/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/862,917

Applicant(s)

JARMAN ET AL.

Examiner

Igor N. Borissov

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21, 23-26, 28 and 35-42 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-21, 23-26, 28, 35-42 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Amendment received on 09/03/2008 is acknowledged and entered. Claims 1-21, 23-26, 28, and 35-41 have been amended. Claims 22 and 27 have been canceled. New claim 42 has been entered. Claims 1-21, 23-26, 28, and 35-42 are currently pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12, 14-21, 23, 28 and 35-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Synesiou et al. (US 5,959,549) in view of Official Notice.

Independent claims

Claims 1, 37 and 42. Synesiou et al. teaches a utility transaction authorization system, comprising:

a user interface unit (display unit) capable of accepting a card charge authorization (C. 5, L. 15-24, 44-60);

a utility meter (remote measurement module 38) provided at a location having an associated location identifier (unique identification number) unique to the location (C. 4, L. 16, 30-36);

wherein the utility meter (remote measurement module 38) is arranged to:
communicate with the user interface unit (display unit), to obtain a card charge authorization (C. 5, L. 55-57);

to transmit card charge request to a financial institution based on the card charge authorization (C. 5, L. 52-57) and meter location identifier (the utility meter unique

identification number and module address code is stored in microcontroller 68, which allows the consumption data derived from a particular consumer site to be related to that site and to the credit data corresponding to that site) (C. 4, L. 49-53),

the card charge request including:

(1) data identifying a credit/charge card account (C. 5, L. 55-57), and

(2) data verifying that the credit/charge card corresponding to the credit/charge card account is physically present at the location of the user interface unit (a secret code or PIN allocated to the consumer) (C. 5, L. 53-54),

to obtain authorization of the card charge from the financial institution (C. 5, L. 52-57).

Synesiou et al. does not specifically teach that the financial institution processes the card charge request from the utility meter regardless of whether the card charge request relates to any utility usage measurements made by the utility meter.

Official notice is taken that it is old and well known to use credit cards for paying for various goods or services instead of using checks or money orders.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Synesiou et al. to include that the financial institution processes the card charge request from the utility meter regardless of whether the card charge request relates to any utility usage measurements made by the utility meter for the benefit of convenience.

Claims 28 and 35. Synesiou et al. teaches a utility transaction authorization method, comprising:

providing a user interface unit (display unit) at a location (C. 5, L. 15-24, 44-60);

providing a utility meter at the location, the utility meter having an associated meter location identifier uniquely identifying the location (C. 4, L. 16, 30-36);

accepting a funds card charge authorization request via the user interface unit (C. 5, L. 52-57), the transaction authorization request including:

(1) data verifying that a credit/charge card is present at the location of the user interface unit (a secret code or PIN allocated to the consumer) (C. 5, L. 53-54), and

(2) data identifying the credit/charge card account of the credit/charge card (C. 5, L. 55-57),

communicating the card charge authorization request from the user interface unit to the utility meter (C. 5, L. 34-37); and

transmitting a message generated in dependence on the card charge authorization request (C. 5, L. 52-57) and meter location identifier (the utility meter unique identification number and module address code is stored in microcontroller 68, which allows the consumption data derived from a particular consumer site to be related to that site and to the credit data corresponding to that site) (C. 4, L. 49-53) from the utility meter to a financial institution to obtain authorization of the card charge (C. 5, L. 52-57).

Synesiou et al. does not specifically teach that the financial institution processes the card charge request from the utility meter regardless of whether the card charge request relates to any utility usage measurements made by the utility meter.

Official notice is taken that it is old and well known to use credit cards for paying for various goods or services instead of using checks or money orders.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Synesiou et al. to include that the financial institution processes the card charge request from the utility meter regardless of whether the card charge request relates to any utility usage measurements made by the utility meter for the benefit of convenience.

Dependent claims

Claims 2-4, 7, 8-12. Synesiou et al. teaches a communication unit arranged to communicate with the utility and the financial institution (C. 5, L. 52-57)

Claims 5 and 6. Synesiou et al. teaches said system in which said further meter is a gas or water meter (Fig. 5).

Claims 14-16. Synesiou et al. teaches said system in which RF signals are utilized for communication between communication devices (C. 5, L. 34-37).

Claims 17-21, 23, 36, 38-41. Same reasoning as applied to independent claims 1, 35 and 37.

Claims 13 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Synesiou et al. in view of Official Notice and further in view of Bos (WO 00/58922).

Dependent claims

Claim 13. Synesiou et al. in view of Official Notice teaches all the limitations of claim 13, except specifically teaching that the user interface unit is a telephone.

Bos teaches a utility transaction authorization system, including a meter and a digital cellular phone which is used by a consumer to obtain payment authorization (Fig. 1; Abstract).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Synesiou et al. in view of Official Notice to include that the user interface unit is a telephone, as disclosed in Bos, because it would advantageously allow to combine various functionalities in one mobile device, thereby providing convenience to the user.

Claims 24-26. Same reasoning applied to claim 13.

Response to Arguments

Applicant's arguments with respect to claims 1-21, 23-26, 28, and 35-42 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Igor N. Borissov/
Primary Examiner, Art Unit 3628
11/02/2008